

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BENTLEY A. HOLLANDER,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
ORTHO-McNEIL-JANSSEN	:	NO. 2:10-cv-00836-RB
PHARMACEUTICALS, INC.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 21st day of *October*, 2010, upon consideration of the Motion of Defendant Ortho-McNeil-Janssen Pharmaceuticals, Inc. to Stay, or in the Alternative, Dismiss Plaintiff's Complaint (Docket No. 13), the Response of Plaintiff Hollander (Docket No. 14), the Defendant's Reply (Docket No. 15), Plaintiff's Sur-Reply (Docket No. 16), and the Defendant's Response (Docket No. 17) and Notice of Supplemental Authority (Docket No. 18), it is hereby

ORDERED as follows:

1. Defendant's Motion to Stay (Docket No. 13) is **DENIED**.
2. Defendant's Motion to Dismiss (Docket No. 13) is **GRANTED**.
3. Plaintiff's Complaint is dismissed without prejudice. Accordingly, Plaintiff may submit an amended complaint that complies with Federal Rule of Civil Procedure 9(b) on or before November 22, 2010. Failure to submit an amended complaint may, upon motion of defendant, result in dismissal with prejudice.

It is so **ORDERED**.

BY THE COURT:

s/ **Ronald L. Buckwalter**
RONALD L. BUCKWALTER, S. J.